

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 42-43 are added, and no claims are canceled or amended (claims 25-39 were previously canceled). As a result, claims 1-24 and 40-43 are now pending in the application.

In the non-final Office Action of July 18, 2007, claims 1-2, 13-14 and 40-41 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 6,473,740 (Cockrill) and further in view of U.S. Patent 6,138,169 (Freund). Claims 3-6, 8-12, 15-18 and 20-24 are rejected under 35 U.S.C. §103(a) in view of Cockrill and further in view of Freund and yet further in view of U.S. Patent 5,590,334 (Saulpaugh). Claims 7 and 19 are rejected under 35 U.S.C. §103(a) in view of Cockrill and further in view of Freund and yet further in view of Japanese patent document JP05354402 (Sato).

35 U.S.C. §103 Rejections

The §103 rejections of claims 1-24 and 40-41 are respectfully traversed for at least the following reasons.

Embodiments of the present invention involve methods and systems for performing and controlling a transaction for content in a network, e.g., purchasing music or other content on-line. This is done in various embodiments using an encapsulated transaction object downloaded with the content to the user's digital information appliance. Utilization events (e.g., indicating usage) are identified and stored in the transaction object. The transaction object eventually transmits data of the utilization event back over the network. The documents in the hypothetical

combination proposed in the Office Action involve systems that operate in a different manner. As such, the hypothetical combination of the Office Action does not teach all of the claimed features of the invention. For example, it is respectfully submitted that none of the relied upon documents teach or suggest “receiving content on a first digital information appliance, said content including an encapsulated transaction object,” as recited in claim 1, or the similar feature of claim 13.

First, for the reasons outlined in the previous response, it is respectfully submitted that neither Cockrill and Freund, nor any of the other cited documents, either teach or suggest “transmitting data related to the stored occurrence of the utilization event over a network via a direct, object-to-object communications protocol,” as recited in claim 1 (emphasis added), or the similar feature of claim 13. For the sake of brevity, the discussion of the previous response is hereby incorporated by reference into this response.

Second, the Office Action contends that Cockrill teaches a transaction record which could be modified to be an object using the Freund document. This contention is respectfully traversed. The relied-upon passage of Cockrill includes the following:

At the conclusion of registration process, the registered customer is permitted to purchase the item. As a result of the purchase, the purchased item is provided to the customer, and a transaction record is created that identifies the customer, the merchant, and the amount of the purchase.¹

The Cockrill patent goes on to explain the use of its transaction records:

The **network** periodically **reviews** the unbilled purchase **transaction records** of each customer resulting from purchases made by the customer at any site. When the amounts of these records exceed a threshold value, preferably determined based upon the amount at which the transaction costs for the form of payment provided by the customer become reasonable, the network generates a payment request requesting payment of the total amount. ... At this point, the merchants

¹ Cockrill, col. 4, lines 46-50.

from whom the customer purchased the items are each credited with a portion of the corresponding purchase price, and **the purchase transaction records represented by the payment request are marked as paid.**²

The Cockrill system uses transaction records at the network site, not on the customer's computer. The transaction records are not sent along with the content. If Cockrill's network records were sent along with the content, how could Cockrill's network periodically review the unbilled purchase transaction records of each customer? And how could the transaction records be marked as paid? These issues aren't problems for the Cockrill system because Cockrill does not send the transaction record with the content to the customer's computer. Consequently, the Cockrill patent does not teach or suggest "receiving content on a first digital information appliance, said content including an encapsulated transaction object," as recited in claim 1, or the similar feature of claim 13. Further, it is respectfully submitted that the other cited document to Freund does not overcome the deficiencies of Cockrill.

Regarding the rejection of dependent claims 3-6, 8-12, 15-18 and 20-24, the Office Action notes that Cockrill's transaction record (which is not sent with the content, as discussed above), is not an object. The Office Action then relies upon the Freund patent to overcome this deficiency of Cockrill for claim 1. The Freund patent does involve an object oriented transaction service. However, the Freund patent does not involve transactions for content in a network environment. Hence, the Freund patent does not disclose or suggest "receiving content on a first digital information appliance, said content including an encapsulated transaction object," as recited in claim 1, or the similar feature of claim 13.

The Office Action notes that neither Cockrill nor Freund teach a request object. The Office Action relies upon the third cited Saulpaugh patent to purportedly overcome this

² Cockrill, col. 4, line 66 to col. 5, line 15 (emphasis added).

deficiency. First, if neither Cockrill nor Freund teach an encapsulated transaction object sent with the content as discussed above, there would be no need for a request object. Second, in regard to Saulpaugh, this patent involves an object oriented passing system. The Saulpaugh patent does not involve transactions *for content* in a network environment. Therefore, the Saulpaugh patent does not disclose or suggest “receiving content on a first digital information appliance, said content including an encapsulated transaction object,” as recited in claim 1, or the similar feature of claim 13, and thus, does not overcome the deficiencies of the hypothetical Cockrill / Freund combination.

Regarding the rejection of dependent claims 7 and 19, the Office Action notes that Cockrill and Freund do not teach saving the occurrence of the utilization event until the network connection is available. The Office Action proposes to combine the Japanese patent document Sato to overcome this deficiency. Sato involves a facsimile machine capable of detecting a busy transmission line and waiting until the line is available. First, it is not conceded that a network connection operates in the same manner as a telephone connection. When a telephone line is in use, typically other calls must wait until the line is free. However, a network connection may support multiple users simultaneously. Second, even if the Sato document did describe features of dependent claims 7 and 19 (a point which is not conceded), it is respectfully submitted that the Sato facsimile system has nothing to do with transactions for content in a network environment. Therefore, Sato does not teach or suggest “receiving content on a first digital information appliance, said content including an encapsulated transaction object,” as recited in claim 1, or the similar feature of claim 13, and thus, does not overcome the deficiencies of the hypothetical Cockrill / Freund combination.

Accordingly, it is respectfully submitted that the Cockrill patent, the Freund patent, the Saulpaugh patent, and the Sato document, either taken singly or in any hypothetical combination, do not teach or suggest the claimed features of the invention. Therefore, withdrawal of the §103 rejections is respectfully requested.

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time is necessary, and the accompanying Fee Transmittal attends to all required fees. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571)970-6835 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson

Reg. No. 43,436

The Brevetto Law Group, PLLC
107 S. West Street, #765
Alexandria, VA 22314

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